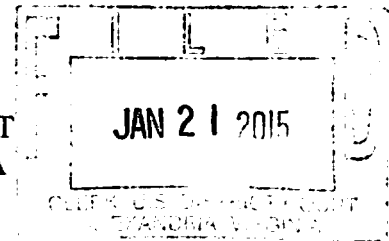


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)



JOHN JOHNSON,

Plaintiff,

vs.

AMERICAN CREDIT ACCEPTANCE.

Defendant

) Case No.: 1:15CV78 TSE/TRJ
)
)
)

) CIVIL COMPLAINT
) JURY DEMAND
)
)
)

Plaintiff, John Johnson, on behalf of himself (hereinafter "Plaintiff"), by and through his undersigned attorney, alleges against the Defendant, American Credit Acceptance (hereinafter "Defendant") as follows:

PRELIMINARY STATEMENT

1. This is an action for damages arising from Defendant's violations of 47 U.S.C. § 227 *et seq.*, the Telephone Consumer Protection Act.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1692k (d).

3. Venue is proper in this district under 28 U.S.C § 1391(b).

PARTIES

4. Plaintiff is a natural person, who at all relevant times has resided in Arlington, Virginia, 22204.

5. Defendant is a corporation doing business in the State of Virginia, with its corporate address as 961 East Main Street, Spartanburg, South Carolina, 29302, and is a “debt collector” as defined by 15 U.S.C § 1692a(6).

FACTUAL STATEMENT

6. Plaintiff took out a car loan that was financed by Defendant.

7. Due to phone calls being received from Defendant, Plaintiff obtained a new cell phone number in or about February 2013.

8. At some point thereafter, Defendant obtained Plaintiff’s new cell phone number and began to call it and Plaintiff told Defendant to cease calling his cell phone.

9. Plaintiff never gave Defendant consent at any time to call his cell phone number 571-235-1XXX.

10. Despite Plaintiff’s request for Defendant to cease calling his cell phone, Defendant placed at least 120 telephone calls to Plaintiff’s cell phone on the following approximate dates:

- April 7, 2014, eight telephone calls
- April 8, 2014, four telephone calls
- April 9, 2014, four telephone calls
- April 14, 2014, four telephone calls
- April 15, 2014, four telephone calls
- April 16, 2014, four telephone calls
- April 17, 2014, four telephone calls
- April 18, 2019, four telephone calls

- April 25, 2014, four telephone calls
- April 26, 2014, one telephone call
- April 27, 2014, six telephone calls
- April 28, 2014, six telephone calls
- April 29, 2014, seven telephone calls
- April 30, 2014, one telephone call
- May 1, 2014, one telephone call
- May 2, 2014, two telephone calls
- May 3, 2014, one telephone call
- May 4, 2014, one telephone call
- May 5, 2014, two telephone calls
- May 6, 2014, three telephone calls
- May 7, 2014, one telephone call
- May 8, 2014, one telephone call
- May 9, 2014, three telephone calls
- May 10, 2014, one telephone call
- May 11, 2014, one telephone call
- May 12, 2014, two telephone calls
- May 14, 2014, three telephone calls
- May 15, 2014, three telephone calls
- May 16, 2014, three telephone calls
- May 17, 2014, one telephone call
- May 18, 2014, one telephone call

- May 19, 2014, three telephone calls
 - May 20, 2014, three telephone calls
 - May 21, 2014, one telephone call
 - May 22, 2014, three telephone calls
 - May 25, 2014, one telephone call
 - May 27, 2014, two telephone calls
 - May 28, 2014, three telephone calls
 - May 30, 2014, four telephone calls
 - May 31, 2014, one telephone call
 - June 1, 2014, one telephone call
 - June 2, 2014, four telephone calls
11. The telephone calls to Plaintiff were made from the following phone numbers: 864-752-1800 and 866-544-3430.
12. The telephone numbers 864-752-1800 and 866-544-3430 belong to Defendant.
13. The telephone calls placed to Plaintiff from Defendant were done using an automated dialer

COUNT I
ONE HUNDRED TWENTY SEPARATE VIOLATIONS OF THE TELEPHONE
CONSUMER PROTECTION ACT
47 U.S.C. § 227

14. Plaintiff repeats the allegations contained in paragraphs 1 through 13 and incorporates them as if set forth at length herein.
15. All one hundred twenty (120) telephone calls to Plaintiff from Defendant were done utilizing an automated dialer.

16. Defendant's actions constitute one hundred twenty (120) separate violations of 47 U.S.C. § 227(b)(1)(A)(iii), to which their falls no exemption to their behavior.

JURY TRIAL DEMAND

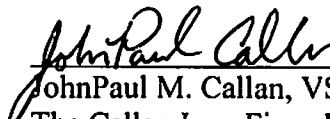
17. Plaintiff demands a jury trial on all issues so triable.

WHEREFORE, Plaintiff, John Johnson, respectfully requests that this Court enter judgment against the Defendant, and on behalf of the Plaintiff, for the following:

- a. That an order be entered declaring the Defendant's actions, as described above, in violation of the TCPA;
- b. That judgment be entered against Defendant for (120) separate and distinct willful violations of 47 U.S.C. § 227b(1)(A)(iii);
- c. That judgment be entered against Defendant for statutory damages in the amount of One Hundred Eighty Thousand Dollars (\$180,000.00) for (120) separate and distinct willful violations of 47 U.S.C. § 227(b)(1)(A)(iii);
- d. That the Court grant such other and further relief as may be just and proper.

Dated this 19th day of January, 2015

Respectfully Submitted,


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